

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMIE STEPHENS,

Plaintiff,

v.

M. FELDER,

Defendant.

No. 2:24-cv-1713 DJC CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 14, 2024, the district court ordered plaintiff to pay the Court's filing fee in full "prior to proceeding any further with this action in light of his status as a three-strikes litigant within the meaning of 28 U.S.C. § 1915(g)." (ECF No. 13 at 2.) To date, plaintiff has not paid the Court's filing fee.

On July 26, 2024, plaintiff filed a motion to amend. (ECF No. 11.) However, because plaintiff is entitled to amend his complaint once as a matter of course, the motion to amend is denied as moot. Fed. R. Civ. P. 15. However, because plaintiff has not yet paid the Court's filing fee, the Court defers screening the amended complaint until after plaintiff pays the Court's filing fee in full.

1 Plaintiff is directed to pay the Court's filing fee in full within fourteen days from the date
2 of this order. Failure to timely pay the filing fee will result in a recommendation that this action
3 be dismissed.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's motion to amend (ECF No. 11) is denied as moot.

6 2. Plaintiff shall pay the Court's filing fee in full within fourteen days from the date of
7 this order. Failure to timely pay the filing fee will result in a recommendation that this action be
8 dismissed.

9
10 Dated: August 29, 2024

11 
12 CHI SOO KIM
13 UNITED STATES MAGISTRATE JUDGE

14 /1/step1713.pay
15
16
17
18
19
20
21
22
23
24
25
26
27
28